



General Assembly

Substitute Bill No. 5347

February Session, 2012

* _____HB05347KIDED_030912_____*

AN ACT CONCERNING THE REPORTING OF CHILDREN PLACED IN SECLUSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-153 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) Each [local or regional board of education,] institution or facility
4 that provides direct care, education or supervision of persons at risk
5 shall (1) record each instance of the use of physical restraint or
6 seclusion on a person at risk and the nature of the emergency that
7 necessitated its use, and (2) include such information in an annual
8 compilation on its use of such restraint and seclusion. The
9 commissioner of the state agency that has jurisdiction or supervisory
10 control over each institution or facility shall review the annual
11 compilation prior to renewing a license for or a contract with such
12 institution or facility.

13 (b) Each local and regional board of education, institution and
14 facility that provides special education for a child shall (1) record each
15 instance of the use of physical restraint or seclusion on a child, (2)
16 specify whether the use of physical restraint or seclusion was in
17 accordance with an individualized education program or was an
18 emergency, including the nature of the emergency that necessitated its
19 use, and (3) include such information in an annual compilation on its

20 use of such restraint and seclusion on children.

21 (c) The State Board of Education [may] shall review the annual
 22 compilation of each local and regional board of education, institution
 23 and facility that provides special education for children and [may]
 24 shall produce an annual summary report identifying the frequency of
 25 use of physical restraint or seclusion on such children and specify
 26 whether the use of such physical restraint or seclusion was in
 27 accordance with an individualized education program or an
 28 emergency. Such report shall be submitted on an annual basis not later
 29 than October first of each year to the select committee of the General
 30 Assembly having cognizance of matters relating to children for
 31 inclusion in the annual report card prepared pursuant to section 2-
 32 53m.

33 (d) If the use of such restraint or seclusion results in physical injury
 34 to the person, [(A)] (1) the local or regional board of education,
 35 institution or facility that provides special education for a child [may]
 36 shall report the incident to the State Board of Education, which shall
 37 include such incident in said report required pursuant to subsection (c)
 38 of this section, and [(B)] (2) the institution or facility shall report the
 39 incident to the commissioner of the state agency that has jurisdiction or
 40 supervisory control over the institution or facility. The State Board of
 41 Education and the commissioner receiving a report of such an incident
 42 shall report any incidence of serious injury or death to the director of
 43 the Office of Protection and Advocacy for Persons with Disabilities
 44 and, if appropriate, to the Child Advocate of the Office of Child
 45 Advocate.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2012	46a-153
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KID **Joint Favorable Subst. C/R**

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